

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

**TENTATIVE**

ORDER NO. R9-2006-0127

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
POWAY UNIFIED SCHOOL DISTRICT  
GARDEN ROAD ELEMENTARY SCHOOL  
FOR  
NONCOMPLIANCE WITH WATER CODE §13376  
AND  
STATE BOARD ORDER NO. 99-08-DWQ

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having received a signed waiver of public hearing form and a payment of \$32,800 on September 12, 2006, and having reviewed the allegations contained in Complaint No. R9-2006-0105 dated August 15, 2006, having provided public notice thereof and not less than thirty (30) days for public comment, and on the recommendation for administrative assessment of civil liability pursuant to California Water Code section 13385 in the amount of \$32,800, finds as follows:

1. The State Water Resources Control Board (hereafter State Board) has issued updated statewide general waste discharge requirements for discharges of storm water runoff associated with construction activities involving disturbance of one acre of soil, or more.
2. Poway Unified School District (hereafter District) owns and operates the Garden Road Elementary School, located at 14614 Garden Road, Poway, CA 92064. The District commenced construction activities at the site on July 19, 2006, without first filing a Notice of Intent (NOI), as required by Section A.2 of State Board Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Associated with Construction Activities*. The District filed a NOI, eight days late, on July 27, 2006.
3. The District failed to prepare and implement a storm water pollution prevention plan (SWPPP) prior to commencing construction activities, in violation of Section C.2 of State Board Order No. 99-08-DWQ. Reports

- submitted by the District state that a SWPPP was delivered on-site July 31, 2006; twelve days late.
4. On July 25 and 26, 2006 the District had unauthorized discharges of sediment-laden, chlorinated water to an unnamed tributary to Poway Creek, in violation of Section A.2 of State Board Order No. 99-08-DWQ.
  5. On August 14, 2006, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2006-0105 to the District proposing imposition of \$32,800, in liability for the above violations.
  6. Liability in the amount of \$32,800 is based on consideration of the factors prescribed in subdivision (e) of the Water Code Section 13385 as applied to the allegations contained in Complaint No. R9-2006-0105. The liability is as follows:
    - a. \$100 per day for failing to file a NOI for 8 days of violation of Water Code 13376 for a total of \$800; and
    - b. \$1,000 per day for failing to prepare and implement a SWPPP for 12 days of violation of Order No. 99-08-DWQ Section C.2, for a total of \$12,000.
    - c. \$10,000 per day for unauthorized discharges for 2 days of violation of Section A.2 of State Board Order No. 99-08-DWQ, for a total of \$20,000.
  7. On September 12, 2006, the District paid to the Regional Board the proposed liability amount of \$32,800 for failure to timely file a NOI, failure to prepare and implement a SWPPP, and unregulated discharges of sediment-laden, chlorinated water, and waived its right to a public hearing before the Regional Board.
  8. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports the assessment of civil liability in the amount of \$32,800.
  9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.
  10. The Regional Board incurred costs of \$2,000 to prosecute the enforcement action, including: investigation, inspections, preparation of enforcement documents, communications with the Discharger, and preparation of materials for public review and hearing.

**IT IS HEREBY ORDERED** that pursuant to section 13385 of the California Water Code, civil liability is imposed on Poway Unified School District in the amount of \$32,800.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on November 8, 2006.

**TENTATIVE**  
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JOHN H. ROBERTUS  
Executive Officer